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HOUSE BILL 138

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

Ambrose Castellano

AN ACT

RELATING TO OFF-HIGHWAY MOTOR VEHICLES; AMENDING SECTION  
66-3-1001.1 NMSA 1978 (BEING LAWS 2005, CHAPTER 325, SECTION 1,  
AS AMENDED); AMENDING DEFINITIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 66-3-1001.1 NMSA 1978 (being Laws  
2005, Chapter 325, Section 1, as amended) is amended to read:

"66-3-1001.1. DEFINITIONS.--As used in the Off-Highway  
Motor Vehicle Act:

- A. "board" means the off-highway motor vehicle  
advisory board;
- B. "department" means the department of game and  
fish;
- C. "division" means the motor vehicle division of  
the taxation and revenue department;

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1 D. "fund" means the trail safety fund;

2 E. "off-highway motor vehicle" means a motor  
3 vehicle designed by the manufacturer for operation exclusively  
4 off the highway or road and includes:

5 (1) "all-terrain vehicle", which means a motor  
6 vehicle fifty inches or less in width, having an unladen dry  
7 weight of one thousand pounds or less, traveling on three or  
8 more [~~low-pressure~~] non-highway tires and having a seat  
9 designed to be straddled by the operator and handlebar-type  
10 steering control;

11 (2) "off-highway motorcycle", which means a  
12 motor vehicle traveling on not more than two tires and having a  
13 seat designed to be straddled by the operator and that has  
14 handlebar-type steering control;

15 (3) "snowmobile", which means a motor vehicle  
16 designed for travel on snow or ice and steered and supported in  
17 whole or in part by skis, belts, cleats, runners or low-  
18 pressure tires;

19 (4) "recreational off-highway vehicle", which  
20 means a motor vehicle designed for travel on four or more non-  
21 highway tires, for recreational use by one or more persons, and  
22 having:

23 (a) a steering wheel for steering  
24 control;

25 (b) non-straddle seating;

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1 (c) maximum speed capability greater  
2 than thirty-five miles per hour;

3 (d) [~~gross vehicle~~] unladen dry weight  
4 [~~rating~~] of no greater than [~~one thousand seven hundred fifty~~]  
5 three thousand five hundred pounds;

6 (e) less than eighty inches in overall  
7 width, exclusive of accessories; and

8 [~~(f) engine displacement of less than one~~  
9 ~~thousand cubic centimeters; and~~

10 ~~(g)]~~ (f) identification by means of a  
11 seventeen-character vehicle identification number; or

12 (5) by rule of the department, any other  
13 vehicles that may enter the market that fit the general profile  
14 of vehicles operated off the highway for recreational purposes;

15 F. "staging area" means a parking lot, trailhead or  
16 other location to or from which an off-highway motor vehicle is  
17 transported so that it may be placed into operation or removed  
18 from operation; and

19 G. "unpaved public roadway" means a dirt graveled  
20 street or road that is constructed, signed and maintained for  
21 regular passenger-car use by the general public."

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